Application No. 10/659,185
Application File Date 09/10/2003
Reply to Office Action of: 11/28/2007
Amendment date 01/28/2008

2356/SPRI.105847

REMARKS

The Office Action mailed November 28, 2007, has been received and reviewed. Prior to the present Office Action, claims 1-2, 4-10, 12-17 and 19-21 were pending in the present application. Applicants have proposed amending claims 1, 2, 8, 13, 20, and 21 as previously set forth. Care has been exercised to introduce no new matter. Accordingly, claims 1-2, 4-10, 12-17 and 19-21 remain pending after the present proposed Amendment. Reconsideration of the application in view of the above proposed amendments and the following remarks is respectfully requested.

Summary of In Person Interview with Examiner

Applicant thanks the Examiner for the in person interview conducted on January 18, 2008. Proposed amendments to the claims were discussed as well as their interpretation in light of the cited references. Amendments were suggested by the Examiner that would overcome the rejections based on the cited references.

Rejections based on 35 U.S.C. § 102(b)

A.)   Applicable Authority

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdeggal Brothers v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 2 USPQ 2d 1913, 1920 (Fed. Cir. 1989). *See also*, MPEP § 2131.

Application No. 10/659,185
Application File Date 09/10/2003
Reply to Office Action of: 11/28/2007
Amendment date 01/28/2008

2356/SPRI.105847

B.   Anticipation Rejections Based on Linzy, U.S. Patent No. 6,718,384

Claims 1-2, 4-10, 12-17 and 19-21 were rejected under 35 U.S.C. § 102(b) as being anticipated by Linzy, U.S. Patent No. 6,718,384 (hereinafter the "Linzy reference"). As the Linzy reference fails to describe, either expressly or inherently, each and every element as set forth in the rejected claims, Applicant respectfully traverses this rejection, as hereinafter set forth.

Independent claim 1, as amended herein, recites a method for identifying network elements and related information in a networking environment. The method of claim 1 comprises, providing a plurality of discovery plans providing a plurality of discovery plans in a specific format detailing how discovery is to be performed for at least one network element wherein each type or model of at least one network element has a corresponding unique discovery plan detailing how discovery is to be performed on the at least one network element each having computer-useable device-specific instructions receivable by a network-element-discovery component, such that the computer-usable device-specific instructions are followed in order to perform discovery on at least one network element and specify queries to issue to the at least one network element, information to extract from results of the queries, and how to create and populate discovered objects with the results, wherein discovery includes extracting information from the at least one network element based on the computer-usable device-specific instructions, and wherein computer-useable device-specific instructions include at least one of the following: commands or queries which must be issued to the network element, instructions on how to parse and translate the results received in response to the commands or queries, or instructions on how to create and populate corresponding schema objects in a device-independent manner;

Application No. 10/659,185
Application File Date 09/10/2003
Reply to Office Action of: 11/28/2007
Amendment date 01/28/2008

2356/SPRI.105847

identifying at least one network element to perform discovery upon; identifying at least one network element to perform discovery upon;

selecting a discovery plan from the plurality to interface with the at least one network element; and using the selected discovery plan to extract descriptive data from the at least one corresponding network element.

By way of contrast, the Linzy reference discloses a system and method for monitoring and maintaining a communication network that includes the capability to determine connection and configuration parameters of network elements. *See, Abstract of Linzy*. The Linzy reference discloses a provisioning engine that queries network elements to validate configuration information such as the current firmware on the elements, the card configuration, the connection configuration, and/or the connection management between elements. *See, Linzy* at col. 4 line 64 – col. 5 line 1.

Independent claims 1, 8, 13, 20, and 21, as herein amended each recite a discovery plan or configuration file in a specific format detailing how discovery is to be performed for at least one network element wherein each type or model of at least one network element has a corresponding unique discovery plan detailing how discovery is to be performed on the at least one network element. Linzy can not be said to disclose, either expressly or inherently, the providing of any discovery plans or configuration files that correspond to at least one network element.

Independent claims 1, 8, 13, 20, and 21, as herein amended, each recite a discovery plan or configuration file having computer-useable device specific instructions, wherein computer-useable device-specific instructions include at least one of the following: commands or queries which must be issued to the network element, instructions on how to parse

Application No. 10/659,185
Application File Date 09/10/2003
Reply to Office Action of: 11/28/2007
Amendment date 01/28/2008

2356/SPRI.105847

and translate the results received in response to the commands or queries, and instructions on how to create and populate corresponding schema objects in a device-independent manner. In the Office Action mailed November 14, 2007, the Office asserted that computer-useable device specific instructions of claim 1, 8, 13, 20, and 21 were analogous to the protocols used in Linzy to query the network elements to extract information. *Office Action* at ¶4, page 9. Claims 1, 8, 13, 20, and 21, have been amended herein to recite the above-noted limitations, which do not included communication protocols. Linzy is silent as to communication protocols including any of the device-specific instructions recited in independent claims 1, 8, 13, 20, and 21, as herein amended.

As such, it is respectfully submitted that the Linzy reference fails to describe, either expressly or inherently, each and every element of independent claims 1, 8, 13, 20, and 21, as amended herein. Accordingly, claims 1, 8, 13, 20, and 21 are not anticipated by the Linzy reference and withdrawal of the 35 U.S.C. § 102(b) rejection of these claims is respectfully requested.

Each of claims 2, 4-7, 9, 10, 12, 14-17, and 19 depend, either directly or indirectly, from independent claims 1, 8, and 13 and accordingly, these claims are believed to be in condition for allowance for at least the above-cited reasons. Accordingly, withdrawal of the 35 U.S.C. § 102(b) rejections of claims 2, 4-7, 9, 10, 12, 14-17, and 19 is respectfully requested as well.

Application No. 10/659,185
Application File Date 09/10/2003
Reply to Office Action of: 11/28/2007
Amendment date 01/28/2008

2356/SPRI.105847

CONCLUSION

For at least the reasons stated above, upon entry of the proposed amendments, each of claims 1-2, 4-10, 12-17 and 19-21 are believed to be in condition for allowance. Applicants respectfully requests entry of this Amendment, withdrawal of the pending rejections, and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 816-474-6550 or ahale@shb.com (such communication via email is herein expressly granted) – to resolve the same.

It is believed that no fee is due in conjunction with the present communication. However, if this belief is in error, the Commissioner is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 21-0765, referencing Attorney Docket No. SPRI.105487.

Respectfully submitted,

/Adam G. Hale/

Adam G. Hale
Reg. No. 60,433

AGHZ
SHOOK, HARDY & BACON L.L.P.
2555 Grand Blvd.
Kansas City, MO 64108-2613
816-474-6550